COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Deputy Involved Hit-Shooting**
IAB FILE NUMBER:	**SH 2391928 / FO 2463828**
URN#:	**015-18301-2607-013**
DATE/TIME:	**December 20, 2015 / 0258 Hours**
LOCATION:	**37910 47th Street East, Palmdale**

On Sunday, December 20, 2015, an Internal Affairs Bureau (IAB) team comprised of Lieutenant David Grall, Sergeant Daniel Martin, and Sergeant Trent Denison responded to 37910 47th Street East, Palmdale, regarding a deputy involved, hit shooting. Suspect Leroy Browning sustained three (3) gunshot wounds and was transported to Antelope Valley Hospital where Suspect Browning was pronounced deceased **[EXHIBIT A, PAGE 51]**.

Sergeant Robert Martindale and Detective Quilmes Rodriguez, under the supervision of Lieutenant David Coleman, from the Los Angeles County Sheriff's Department Homicide Bureau, arrived and assumed control of the investigation. For further information, refer to the Los Angeles County Sheriff's Department Homicide case book under file number 015-18301-2607-013 **[EXHIBIT A]**.

IAB Lieutenant Grall took reasonable steps to ensure involved personnel and witnesses did not discuss the incident amongst themselves, or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Grall confirmed the involved personnel gathered in the company of a supervisor until they provided a statement to the assigned investigators.

SYNOPSIS

The following narrative includes summarized statements as provided by all involved employees. Additional information and precise wording may be obtained by reviewing the audio recorded interviews and verbatim transcriptions submitted within this case.

On December 20, 2015, at approximately 0200 hours, Taco Bell employees [redacted] and [redacted] (Witnesses) [redacted] the restaurant. At approximately 0213 hours, Witness [redacted] and Witness [redacted] noticed a vehicle (2004, tan, Ford Focus, CA license plate [redacted] in the drive-through lane, near the

menu ordering microphone. Witness [redacted] and Witness [redacted] did not observe anyone inside the vehicle. The vehicle remained in place for approximately ten minutes. Witness [redacted] and Witness [redacted] believed the vehicle was part of a ruse to lure them outside the restaurant. Witness [redacted] and Witness [redacted] observed the vehicle slowly move forward and strike the wall of the restaurant, after which the driver's door opened. Witness [redacted] called 9-1-1 at approximately 0224 hours.

Palmdale Station received a call of a traffic collision, possible drunk driver, at the Taco Bell Restaurant **[EXHIBIT A, PAGES 250-256].**

Palmdale Station Traffic Unit 264T1, Deputy Oleg Polissky, was assigned the call and was the first deputy to arrive at the scene. Deputy Polissky made contact with the occupant of the vehicle (Suspect Leroy Browning) and awaited the arrival of assisting Palmdale Station deputies. Palmdale Station Unit 265A, Deputies Brett Nolin and Ernesto Rodriguez, was assigned as the assisting unit. Deputies Nolin and Rodriguez arrived at the Taco Bell restaurant and observed the front end of Suspect Browning's vehicle rest against the wall of the building. The deputies observed Suspect Browning, who was seated in the driver's seat with the driver's door open, was asleep. Deputy Polissky stood next to the open driver's door and smelled the odor of alcohol emitting from the interior of Suspect Browning's vehicle. Deputy Polissky observed Suspect Browning possessed a plastic cup, which contained a liquid that had the appearance and odor of alcohol. This led Deputy Polissky to believe Suspect Browning was under the influence of alcohol. Deputy Polissky tapped Suspect Browning on the shoulder to wake him. Suspect Browning identified himself as [redacted] MB / DOB: [redacted] and he provided a California identification card, [redacted] to Deputy Polissky.

IAB Note: **At the time of the incident, Suspect Browning identified himself as [redacted] and produced a California identification card bearing that name. [redacted] is the half-brother of Suspect Browning who is similar in height, weight and appearance. After the incident concluded, it was determined Suspect Browning had [redacted]**

Deputy Polissky ordered Suspect Browning to step out of his vehicle to conduct a traffic collision investigation. Suspect Browning complied with Deputy Polissky's command. Deputy Polissky escorted Suspect Browning to his patrol car, which was parked behind Suspect Browning's vehicle at the entrance of the Taco Bell drive through. Deputies Nolin and Polissky conducted a cursory search of Suspect Browning. After the search,

Suspect Browning was seated in the backseat of Deputy Polissky's patrol car, which was parked northeast of Suspect Browning's vehicle and adjacent to the drive through lane.

Deputy Polissky sat in the driver's seat of his patrol car and conducted a license status inquiry using the identification Suspect Browning provided. Deputy Nolin assisted Deputy Polissky with the completion of the vehicle storage (CHP-180) form.

Palmdale Station Unit 260T1, Deputy Jonathan Schnereger arrived at the scene to conduct a driving under the influence (D.U.I.) investigation. Deputy Schnereger assumed responsibility for the D.U.I. portion of the investigation and Deputy Polissky conducted the traffic collision investigation.

Deputy Polissky entered the Taco Bell Restaurant to review and obtain surveillance video of the traffic collision. Taco Bell employees Witness [redacted] and Witness [redacted] accompanied Deputy Polissky to the Taco Bell office where the surveillance equipment was located.

Deputy Schnereger completed the Standardize Field Sobriety Tests (SFSTs). Results of the SFSTs indicated Suspect Browning was impaired. Deputy Schnereger read Suspect Browning a Preliminary Alcohol Screening Device (PAS) admonishment. Suspect Browning agreed to take a PAS test. Suspect Browning's initial PAS results indicated he had a blood alcohol content (BAC) of 0.17 and 0.14 BAC (legal limit for a motorist is .08 BAC). Deputy Schnereger directed Suspect Browning to sit in the driver's side rear seat of his patrol vehicle before he placed handcuffs on him. When Deputy Schnereger discussed the results of the DUI investigation, Suspect Browning remarked that he was not going to jail for "stupid shit." Deputy Schnereger told Suspect Browning that he was under arrest for DUI and told him to turn his back to the door to place handcuffs on him. Suspect Browning said nothing and he appeared compliant by initially placing his hands behind his back.

Deputy Schnereger opened the rear door and reached in with his left hand to grip both of Suspect Browning's hands to handcuff him. When Deputy Schnereger gripped Suspect Browning's hands, he began to pull his hands away. Suspect Browning quickly turned the left side of his body toward Deputy Schnereger and placed his left foot outside the threshold of the patrol car door. Deputy Schnereger told Suspect Browning to relax, while he attempted to control Suspect Browning's hands. At this time, Deputy Quiroz arrived and began to enter the Taco Bell Restaurant. Deputy Quiroz looked back at Deputy Schnereger's patrol car and saw Suspect Browning's left foot outside the door, on the ground. Deputy Quiroz approached Deputy Schnereger's vehicle. Deputy Quiroz saw Deputy Schnereger leaned over the backseat and attempting to control Suspect Browning. Deputy Schnereger told Suspect Browning, "Don't do it." Suspect Browning pushed back against Deputy Schnereger. Deputies Schnereger and Quiroz used their hands to push Suspect Browning back into the vehicle to prevent him from exiting the backseat of the vehicle and close the door.

Deputies Nolin and Rodriguez were seated in their patrol car, which was parked parallel to Deputy Schnereger, approximately ten feet away. Deputy Nolin was in the passenger seat, closest to Deputy Schnereger, with his window partially down. Deputy Nolin heard Deputy Schnereger yell, "Hey! Get back in the car!" Deputy Nolin saw Deputy Schnereger hunched over in the open driver's side rear passenger doorway. Deputy Nolin noticed Suspect Browning in the back seat with his head higher than normal for a seated passenger. Deputy Nolin alerted Deputy Rodriguez to his observations and both deputies rushed to the aid of Deputy Schnereger.

Deputies Schnereger, Nolin, Rodriguez, and Quiroz attempted push Suspect Browning back into the vehicle. Suspect Browning lunged forward with his right shoulder into Deputy Schnereger's right lower abdomen and waist area. Deputy Quiroz pulled Suspect Browning's sweatshirt hood over his head. Deputy Schnereger struck Suspect Browning on the back of the head with his right fist approximately three times. Suspect Browning wrapped his hands around Deputy Schnereger's waist and used his legs to drive him backward. Deputy Schnereger felt his firearm, which was still secured in his holster, forcefully pulled by Suspect Browning. The forceful pull rotated Deputy Schnereger's gunbelt to the point where his firearm and holster moved from his right hip to the front of his waistband. Deputy Schnereger pressed his right hand on top of his holster to secure his firearm and used his left hand to push Suspect Browning away. Deputy Schnereger yelled out, "He's going for my gun!" Deputy Schnereger attempted to maintain control of his firearm with his right hand as Suspect Browning continued to pull on the grip of the firearm. Deputy Schnereger dropped to his knees to weaken Suspect Browning's grasp of his firearm. Suspect Browning squatted and maintained his grasp of Deputy Schnereger's firearm.

While Deputy Schnereger struggled to maintain control of his firearm, Deputy Quiroz attempted to pull Suspect Browning off of him. Deputy Quiroz punched Suspect Browning in the lower back while he simultaneously tried to pull Suspect Browning off of Deputy Schnereger.

Deputy Schnereger was knocked to the ground. Deputy Schnereger fell backward onto the ground with his back toward the pavement. Suspect Browning maintained his position on top of Deputy Schnereger with his legs around Deputy Schnereger's lower body. Deputy Nolin, who was to Deputy Schnereger's right, was knocked to the ground with Deputy Schnereger. Deputy Nolin reached up and grabbed Suspect Browning's sweatshirt and saw Suspect Browning's arms extended toward Deputy Schnereger's waistband. Deputy Schnereger struggled to maintain control of his firearm and yelled, "He's got my gun!" several times. Deputy Nolin feared Suspect Browning had gained control of Deputy Schnereger's gun and was now about to use the firearm against the deputies. Deputy Nolin unholstered his firearm with his right hand and pointed it at Suspect Browning's upper torso. Deputy Quiroz, who was behind Suspect Browning, continued to pull on Suspect Browning's sweatshirt to get him off Deputy Schnereger. Deputy Nolin shouted to Deputy Quiroz to move. Deputy Quiroz released his grip of

Suspect Browning's sweatshirt and took a step back, out of the direction of Deputy Nolin's firearm.

To prevent death or injury to his fellow deputies, and himself, Deputy Nolin fired a single round toward Suspect Browning's upper torso from a distance of approximately six inches. Suspect Browning did not react. Suspect Browning remained on top of Deputy Schnereger and continued to reach for his firearm with both hands. Deputy Nolin believed his first round missed despite the close range. Deputy Nolin adjusted his aim and fired four (4) additional rounds at Suspect Browning's chest and Suspect Browning fell to the ground.

Deputy Schnereger initiated an emergent radio broadcast and advised Palmdale Sheriff's Station personnel a "998" (deputy-involved shooting) had occurred, along with his location and the status of involved personnel.

Deputy Polissky, upon hearing a radio broadcast for a deputy-involved shooting, exited the Taco Bell restaurant. Deputy Polissky began lifesaving measures including Cardio Pulmonary Resuscitation (CPR) on Suspect Browning. Deputy Polissky continued CPR on Suspect Browning for three to four cycles of thirty chest compressions per cycle. Los Angeles County Fire Department, Engine 93, under the command of Captain Pontius arrived and relived Deputy Polissky. Suspect Browning was transported to Antelope Valley Hospital, at 1600 West Avenue J, Lancaster, CA 93534, by American Medical Response (AMR) ambulance 151 for treatment of his injuries. Suspect Browning was treated by trauma surgeon, Doctor Jawad Bermani. Doctor Bermani pronounced Suspect Browning deceased at 0345 hours.

IAB Note: **Deputy Polissky, Witness [redacted] and Witness [redacted] were inside the Taco Bell manager's office reviewing video surveillance at the time of the deputy-involved shooting. They did not see or hear Deputy Nolin discharge his firearm. Deputy Polissky did not become aware of the deputy-involved shooting until he heard the radio transmission on his portable handheld radio. [EXHIBIT B].**

An inventory search of Suspect Browning's vehicle, prior to its recovery, was conducted by Homicide Sergeant Laren. A large open plastic zip lock bag was located on the rear driver's side floorboard which contained 28.1 ounces of marijuana. A grey metal .45 caliber Springfield Arms semi-auto handgun, model 1911A1, serial number N432155, was located under the front passenger seat. The chamber of the firearm was empty and the magazine contained eight (8) live .45 auto cartridges. Homicide detectives later discovered the handgun was stolen out of Miami, Florida, in 2002 **[EXHIBIT A, PAGES 73-86]**.

IAB Note: **The handgun recovered from Suspect Browning's vehicle was collected by personnel from Los Angeles County Sheriff's Department – Scientific Services Bureau (Crime lab) for**

laboratory examination. Latent prints from Suspect Browning were discovered on the lower left side of 1911 style .45 caliber pistol magazine. [EXHIBIT A, PAGES 103-109].

The Los Angeles County Coroner's toxicology report indicated Suspect Browning had trace amounts of ethanol alcohol, Tetrahydrocannabinol (THC) and Amphetamines in his system at the time of the incident **[EXHIBIT A, PAGE 397].**

DISTRICT ATTORNEY'S LETTER OF OPINION

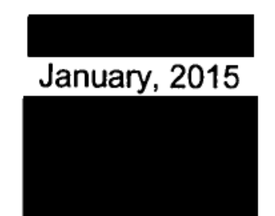
The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the shooting of Suspect Browning by Deputy Nolin. In the Letter Of Opinion **[EXHIBIT C]**, dated October 17, 2017, Deputy District Attorney Shannon Presby concluded Deputy Nolin acted lawfully, in the self-defense of others.

INVOLVED EMPLOYEE AND WORK HISTORY

Brett Nolin, Deputy Sheriff, [redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	[redacted]
Date Assigned to Unit:	January, 2015
Date Completed Patrol Training:	[redacted]
Prior Shootings:	
Prior Founded Force Incidents:	



Equipment Worn On Person

Smith and Wesson M&P 9mm
Oleoresin Capsicum (OC) spray
Two magazines
Handcuffs
Expandable baton
Handheld Radio
Flashlight

Jonathan Schnereger, Deputy Sheriff, [redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	[redacted]
Date Assigned to Unit:	January, 2010
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	

Equipment Worn On Person

Smith and Wesson M&P 9mm
Oleoresin Capsicum (OC) spray
Two magazines
Handcuffs
Expandable baton
Handheld Radio

Steve Quiroz, Deputy Sheriff, [redacted]
North Patrol Division
Palmdale Station

Work History

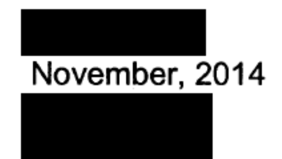
Date of Employment:	[redacted]
Date Assigned to Unit:	September, 2014
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	

Equipment Worn On Person

Smith & Wesson M&P 9mm
Oleoresin Capsicum (OC) spray
Two magazines
Handcuffs
Expandable baton
Handheld Radio

Ernesto Rodriguez, Deputy Sheriff, [redacted]
North Patrol Division
Palmdale Station

Work History



Date of Employment: [redacted]
Date Assigned to Unit: November, 2014
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents:

Equipment Worn On Person

Smith and Wesson M&P 9mm
Oleoresin Capsicum (OC) spray
Two magazines
Handcuffs
Expandable baton
Handheld Radio
Flashlight

SUSPECT INFORMATION

Leroy Tollie Browning MB/30
DOB: 11/06/1985, 5-4, 146 lbs.
[redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted]

The Consolidated Criminal History System [redacted]

IAB Note: A copy of Suspect Browning's criminal history is included in this case as [EXHIBIT A, PAGES 114-153].

SUSPECT'S INJURIES

Suspect Browning sustained three gunshot wounds to the torso, back and left arm. Suspect Browning was pronounced deceased at 0345 Doctor Jawad Bermani at Antelope Valley Hospital, 1600 West Avenue J, Lancaster, CA 93534. The Los Angeles County Coroner's report, under case number 2015-08730, is included in this report **[EXHIBIT A, PAGES 381-405].**

EMPLOYEE INJURIES

Deputy Nolin sustained minor abrasions to both knees. Deputy Nolin declined medical treatment.

PHYSICAL EVIDENCE

All physical evidence was located, photographed and documented by personnel from the Sheriff's Department Scientific Services Bureau (crime lab) and is included in this case book as **[EXHIBIT A, PAGES 86-112].**

DISTANCES

Distance of shots fired were from an intermediate range **[EXHIBIT A, PAGES 381-384].** Deputy Nolin estimated the shots were fired from a distance of six inches **(TRANSCRIBED INTERVIEW, DEPUTY NOLIN PAGE 21).**

INVESTIGATOR'S OBSERVATIONS

Approximately four hours transpired from the time of the shooting to IAB investigators' observations. The scene was located in the parking lot of 37910 47th Street East, Palmdale. Four marked Los Angeles County Sheriff's Department patrol vehicles and one tan colored Ford Focus compact were observed in the parking lot. The scene was photographed by Sheriff's Crime Lab personnel.

REVIEW OF EMERGENT RADIO TRANSMISSIONS

02:27 – Call dispatched via SCC.
02:28 – Deputy Oleg Polissky (Unit 264T1) assigned as the primary unit.
02:29 – Deputies Nolin and Rodriguez (Unit 265A) assigned the assist.
02:58 – Deputy Schnereger (Unit 260T1) broadcast 998.
03:00 – Deputy Schnereger advised Suspect was down and all deputies were accounted for **[EXHIBIT B].**

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Nolin – Duty Weapon (Smith&Wesson M&P 9mm), Control Holds, Personal Weapons (Push).
Deputy Schnereger – Control Holds, Resisted Handcuffing, Personal Weapons (Punches).
Deputy Quiroz – Control Holds, Personal Weapons (Punches).
Deputy Rodriguez – Control Holds.

PROPERTY DAMAGE CAUSED BY SUSPECT BROWNING

Traffic collision to Taco Bell restaurant **[EXHIBIT A, PAGES 41-46].**

LIGHTING AND WEATHER CONDITIONS

This incident occurred during the night time. Ambient lighting from business and parking lot lights. The weather was clear and cold.

INVOLVED DEPUTY BRETT NOLIN

Homicide Bureau Interview

On December 20, 2015, Deputy Brett Nolin was interviewed by Homicide Bureau Investigators Sergeant Martindale and Detective Q. Rodriguez. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 62-65]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 5, 2018, at approximately 1423 hours, Deputy Brett Nolin was interviewed by IAB Sergeants Bryan Smith and Jeff Hamil.

Deputy Brett Nolin was assigned to Palmdale Station Unit 265A with his partner Deputy Rodriguez. They heard the radio broadcast for a traffic collision in which a vehicle had struck a wall. They were the second unit to arrive. Upon arrival, Deputy Nolin saw minor vehicle damage to Suspect Browning's vehicle, and the front driver side bumper of the vehicle was pressed up against the wall of the Taco Bell building, at the drive-through lane.

Deputy Polissky stood outside Suspect Browning's open driver's door and spoke to him. As Suspect Browning exited, Deputy Nolin smelled the odor of alcohol. Suspect Browning was escorted to Deputy Polissky's vehicle and searched by Deputy Nolin.

Deputy Nolin asked Deputy Polissky if he needed help. Deputy Polissky asked Deputy Nolin to start the CHP-180 form. Deputies Nolin and Rodriguez began to complete the CHP-180 form to impound Suspect Browning's vehicle. Deputy Rodriguez moved Suspect Browning's vehicle out of the drive-through lane to the parking lot, north of Taco Bell. Deputy Schnereger arrived at the location, followed by Deputy Quiroz.

Deputy Nolin was seated in his patrol car with Deputy Rodriguez when Deputy Schnereger administered SFSTs to Suspect Browning. Deputy Schnereger escorted Suspect Browning to the back seat of his patrol car. While seated in his patrol car with his window partially down, Deputy Nolin heard Deputy Schnereger instruct Suspect Browning to turn his back to the door. He then heard Deputy Schnereger yell, "Hey! Get back in the car!" Deputy Nolin saw Deputy Schnereger by the open driver's side rear door, hunched over in the doorway. Deputy Nolin noticed Suspect Browning was in the

back seat with his head higher than normal for a seated passenger. Deputies Nolin and Rodriguez ran to Deputy Schnereger's patrol car, where Deputy Nolin positioned himself to Deputy Schnereger's right. Suspect Browning attempted to force his way out of the patrol car. Deputies Quiroz and Rodriguez assisted Deputies Nolin and Schnereger in their attempts to push Suspect Browning back inside of the patrol car. Deputy Nolin placed his left hand on Suspect Browning's left shoulder and grabbed his jacket. Deputy Nolin tried to push Suspect Browning back into the vehicle. Deputy Nolin heard deputies tell Suspect Browning to "Get back in the car."

Deputy Nolin felt a single, violent upward pull forward on the left side of his gun belt, near his radio. Deputy Nolin did not know who pulled on his gun belt, but Suspect Browning was the closest person to him. Immediately afterward, Deputy Nolin heard Deputy Schnereger say, "He's going for my gun!" Deputy Nolin looked down and saw Deputy Schnereger's jacket was unzipped and raised up on the right side near his gun holster. Deputy Nolin saw Deputy Schnereger's right hand pressed down on his gun. Suspect Browning was in a "downward hunch," with his head down and reaching toward Deputy Schnereger's waistband. **(TRANSCRIBED INTERVIEW, DEPUTY NOLIN PAGE 7).**

At the same time, Deputy Nolin heard Deputy Schnereger punch Suspect Browning, but he could not see it. Suddenly, Deputy Nolin was violently knocked to his knees by an unknown force. When Deputy Nolin landed on his knees, he saw Deputy Schnereger was on his buttocks in a sit up position. Suspect Browning was on top of Deputy Schnereger and covered his legs. Suspect Browing continued to reach toward Deputy Schnereger's waistband. Deputy Nolin reached up and grabbed Suspect Browning's jacket and saw Suspect Browning's hands extended toward Deputy Schnereger's waistband. Deputy Nolin recalled Deputy Schnereger frantically moved his hands back and forth. At that moment, Deputy Nolin believed Deputy Schnereger had lost control of his firearm. **(TRANSCRIBED INTERVIEW, DEPUTY NOLIN PAGE 14).**

Deputy Schnereger said, "He's got my gun!" Deputy Nolin recalled, the tone of Deputy Schnereger's voice was different and louder. Deputy Nolin believed Suspect Browning had possession of Deputy Schnereger's firearm. Deputy Nolin was still on his knees. Suspect Browning was still on top of Deputy Schnereger. Deputy Nolin unholstered his firearm and pointed it at Suspect Browning. **(TRANSCRIBED INTERVIEW, DEPUTY NOLIN PAGE 13).**

Deputy Quiroz was standing behind Suspect Browning. Deputy Nolin shouted at Deputy Quiroz to "move." Deputy Quiroz moved out of the line of fire and Deputy Nolin fired a single round. Suspect Browning did not flinch or move and remained on top of Deputy Schnereger, reaching toward his waist with both hands. Deputy Nolin believed he had missed despite the close range. Deputy Nolin readjusted his aim and fired at Suspect Browning's chest three times, holding his firearm in his right hand and holding onto Suspect Browning with his left hand. Suspect Browning fell to the ground. Deputy

Nolin believed he fired four rounds from a distance of approximately six inches. **(TRANSCRIBED INTERVIEW, DEPUTY NOLIN PAGES 3-23).**

Deputy Nolin estimated the total duration of the struggle lasted approximately twenty to thirty seconds. **(TRANSCRIBED INTERVIEW, DEPUTY NOLIN PAGE 23).**

INVOLVED DEPUTY JONATHAN SCHNEREGER

Homicide Bureau Interview

On December 20, 2015, Deputy Jonathan Schnereger was interviewed by Homicide Bureau Investigators Sergeant Martindale and Detective Q. Rodriguez. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 55-57]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 11, 2018, at approximately 1030 hours, Deputy Jonathan Schnereger was interviewed by IAB Sergeants Bryan Smith and Jeff Hamil.

At the time of the incident, Deputy Jonathan Schnereger was assigned to Palmdale Station Unit 260T1 (traffic and DUI enforcement deputy). Deputy Schnereger was working uniform patrol when he saw a call for service assigned to 263T1 via his Mobile Digital Computer (MDC). The call stated a motorist had crashed into the Taco Bell restaurant. Deputy Schnereger assigned himself to the call and responded.

Upon arrival, Deputy Schnereger saw Deputy Polissky had Suspect Browning detained in the backseat of his patrol car. Deputies Nolin and Rodriguez arrived just prior to Deputy Schnereger. Deputy Schnereger assumed responsibility for the DUI investigation and began to ask Suspect Browning sobriety test questions. He then removed Suspect Browning from Deputy Polissky's patrol vehicle to administer SFSTs.

Initially, Deputy Schnereger asked Deputy Polissky about Suspect Browning's demeanor. Deputy Polissky told him Suspect Browning was cooperative. Suspect Browning willingly exited the vehicle and participated in SFSTs. Suspect Browning's performance during the tests indicated that he was under the influence. Deputy Schnereger began the process of placing Suspect Browning under arrest for driving under the influence. Deputy Schnereger directed Suspect Browning to sit in the backseat of his patrol vehicle before he placed handcuffs on him. Suspect Browning agreed to take a PAS test. Suspect Browning's initial PAS results read 0.17 and 0.14. When Deputy Schnereger discussed the results of the DUI investigation, Suspect Browning remarked that he was not going to jail for "stupid shit." Deputy Schnereger told Suspect Browning that he was under arrest for DUI and asked him to turn his back to the door to place handcuffs on him. Suspect Browning said nothing and appeared compliant, and initially put his hands behind his back.

IAB Note: **Deputy Schnereger said he was trained to handcuff suspects while they are still seated in the back seat of the patrol car. He explained this was standard practice and helped to avert a physical confrontation.**

Suspect Browning began to turn the left side of his body toward Deputy Schnereger. Suspect Browning placed his left foot outside the threshold of the patrol car door. Deputy Schnereger told Suspect Browning to relax while he attempted to control Suspect Browning's hands. At this time, Deputy Quiroz arrived and put his hands inside the car to prevent Suspect Browning from exiting the back seat. Suspect Browning turned his body to the left, toward Deputy Schnereger, and he placed his left foot on the ground outside the patrol car. Deputy Schnereger attempted to keep Suspect Browning inside the vehicle and close the door. Deputies Rodriguez and Nolin assisted Deputy Schnereger. Suspect Browning bent at the waist, charged forward and struck Deputy Schnereger with his right shoulder in Deputy Schnereger's right hip area. One of the deputies pulled Suspect Browning's hood over his head. Suspect Browning wrapped his arms around Deputy Schnereger's waist and used his legs to drive him backward.

Deputy Schnereger punched Suspect Browning three times in the back of the head with a clenched right fist. It appeared that Deputy Quiroz, who was to his right, attempted to gain control of Suspect Browning's left arm. Despite the punches to the back of Suspect Browning's head, Suspect Browning continued to drive Deputy Schnereger backward.

Deputy Schnereger felt a violent pull at his firearm, which was secured in the holster on his gun belt. The forceful pull spun his gun belt, and his gun and holster rotated from his right hip to the front of his waistband. Deputy Schnereger yelled out, "He's going for my gun!" After Suspect Browning made the initial pull on the gunbelt, he maintained a continuous grasp on the gun belt the entire time.

Deputy Schnereger said he instantly knew Suspect Browning was pulling on his gun. He said it felt identical to the weapon retention training he received at the academy and patrol school when fellow recruits would attempt to take his firearm from his holster by force. **(TRANSCRBED INTERVIEW, DEPUTY SCHNEREGER PAGE 6).**

Deputy Schnereger brought his right hand down to secure the gun and used his left hand to try to push Suspect Browning away. Deputy Schnereger felt Suspect Browning continued to pull his firearm out of the holster. Deputy Schnereger could not tell whether Suspect Browning had the gun or the holster, but the motion of the belt was consistent with the pull of the grip of the gun. Deputy Schnereger again yelled out, "He's got my gun!" He recalled he yelled that Suspect Browning was trying to get his gun at least three times.

Deputy Schnereger dropped to his knees to weaken Suspect Browning's grasp of his gun. Suspect Browning dropped to a squatted position and maintained his grip on the gun. The struggle for his firearm caused Deputy Schnereger to feel helpless and he

feared for himself as well as for his partners. Deputy Schnereger believed Suspect Browning was going to rip the gun out of the holster [redacted] Deputy Schnereger reached for his knife with his left hand during the struggle because it was more readily accessible than his backup firearm. An unknown force caused Deputy Schnereger to fall backward. Suspect Browning maintained his grip on the gun. Deputy Nolin discharged his firearm. After the first shot, Suspect Browning did not react. Deputy Schnereger estimated the duration of the struggle lasted approximately thirty to sixty seconds. Deputy Schnereger then heard at least three shots and saw Suspect Browning fall. Deputy Schnereger initiated emergent radio traffic and advised a deputy involved shooting occurred the location. Deputy Schnereger saw Deputy Nolin holding Suspect Browning at gun point. Deputy Schnereger told Deputy Nolin, "holster up." Deputy Schnereger checked Suspect Browning's vitals. Deputy Polissky arrived and began life saving measures. **(TRANSCRBED INTERVIEW, DEPUTY SCHNEREGER PAGES 2-16).**

INVOLVED DEPUTY STEVE QUIROZ

Homicide Bureau Interview

On December 20, 2015, Deputy Steve Quiroz was interviewed by Homicide Bureau Investigators Sergeant Martindale and Detective Q. Rodriguez. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 58-60]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 5, 2018, at approximately 1520 hours, Deputy Steve Quiroz was interviewed by IAB Sergeants Bryan Smith and Jeff Hamil.

Deputy Steve Quiroz was assigned to Palmdale Station Unit 263T1. Deputy Quiroz was working uniform patrol as a one-man traffic unit at the time of the incident.

Deputy Quiroz heard a radio broadcast of a possible DUI and traffic collision at Taco Bell. Deputy Quiroz responded to assist Deputy Polissky, who was assigned the call. When Deputy Quiroz arrived, Deputy Polissky was inside Taco Bell. Deputies Nolin and Rodriguez were in their patrol car completing paperwork. Deputy Schnereger was next to his vehicle, with Suspect Browning in the backseat.

When Deputy Quiroz exited his patrol car, Deputy Schnereger was completing the PAS test on Suspect Browning. Deputy Quiroz was about to enter the Taco Bell, when he looked back at Deputy Schnereger's vehicle. The driver's side rear door was open and Suspect Browning had his left foot outside the door, pressed against the ground. Deputy Quiroz was surprised to see Suspect Browning exit the vehicle free of handcuffs. He knew Deputy Schnereger would routinely instruct suspects to turn their backs to the open vehicle door in order to have the handcuffs placed on them. As Deputy Quiroz approached, Deputy Schnereger was leaning his upper body into the

vehicle and holding Browning's left hand behind his back with his left hand and had his right hand on Suspect Browning's collar. Deputy Quiroz heard Deputy Schnereger say, "Don't do it!"

Suspect Browning pushed back against Deputy Schnereger. Deputy Quiroz walked to Deputy Schnereger and positioned himself to Deputy Schnereger's right. Deputies Quiroz and Schnereger used their hands and arms to push Suspect Browning back into the vehicle. Deputy Quiroz heard Schnereger say again, "Don't do it!" as Suspect Browning pushed both deputies backward. Deputy Quiroz saw Suspect Browning move his left hand and break free of Deputy Schnereger's grip. Suspect Browning shifted his body toward the left, lowered his right shoulder and pushed into Deputy Schnereger's abdominal area. Suspect Browning grabbed Deputy Schnereger in a bear hug and pressed his right shoulder into Deputy Schnereger's midsection.

Deputy Quiroz tried to grab Suspect Browning's lower back. One of Suspect Browning's feet was wrapped around Deputy Quiroz' ankle, in an apparent attempt to execute a foot sweep of him. Deputy Schnereger began to punch Suspect Browning in the back to try to get him off of him. Deputy Quiroz grabbed Suspect Browning's sweater, which he used to try to pull him off of Deputy Schnereger. Deputy Schnereger said, "He's got my gun. He's got my gun!" in a panicked voice. Deputy Quiroz did not know whether Browning had gained complete control of the firearm or whether it had been only partially withdrawn from the holster. Deputy Quiroz began to punch Suspect Browning in his lower back while he attempted to pull him off of Deputy Schnereger. Deputy Quiroz pulled Suspect Browning harder to try to get him off of Deputy Schnereger, but Suspect Browning resisted and fought to stay on top of Deputy Schnereger. Suspect Browning attempted to maintain his position around Deputy Schnereger's waist and held on to him. Suspect Browning clung to Deputy Schnereger for approximately ten to fifteen seconds. Deputy Quiroz wanted to use his firearm, but he was afraid a round might hit Deputy Schnereger.

Deputy Rodriguez ran to Deputy Quiroz' right side, and Deputy Schnereger again said, "He has my gun! He has my gun!" Deputy Nolin ran up to the fight and lowered himself to join the struggle. Deputy Quiroz saw Suspect Browning's left hand wrapped around Deputy Schnereger's waistband area, where the firearm was holstered.

Deputy Quiroz saw Deputy Nolin's firearm in his right hand, illuminated by the laser sight. Deputy Nolin said, "Move! Move!" which prompted Deputy Quiroz to release Suspect Browning and take a few steps backward. Deputy Quiroz heard one round fired by Deputy Nolin. Suspect Browning did not react. There was a pause after the first shot, then three consecutive shots from Deputy Nolin, who had his firearm in his right hand and held Suspect Browning's collar in his left hand. Deputy Nolin shot from very close range. After the three consecutive shots, Suspect Browning leaned forward, and Deputy Nolin guided him to the ground while he gripped Suspect Browning's collar. **(TRANSCRIBED INTERVIEW, DEPUTY QUIROZ PAGES 3-17).**

INVOLVED DEPUTY ERNESTO RODRIGUEZ

Homicide Bureau Interview

On December 20, 2015, Deputy Ernesto Rodriguez was interviewed by Homicide Bureau Investigators Sergeant Martindale and Detective Q. Rodriguez. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 60-61]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 5, 2018, at approximately 1423 hours, Deputy Ernesto Rodriguez was interviewed by IAB Sergeants Bryan Smith and Jeff Hamil.

Deputy Ernesto Rodriguez and his partner, Deputy Nolin, responded to the scene of the incident after they heard a radio call for a drunk driver who had crashed into the Taco Bell restaurant.

Upon arrival, Deputy Rodriguez saw Deputy Polissky talk to Suspect Browning, who was inside his vehicle, which was smashed into an exterior wall of the restaurant. When Deputy Rodriguez approached the vehicle, he smelled a strong odor of alcohol emanating from both Suspect Browning and the vehicle. Deputy Rodriguez saw a cup in the vehicle with a yellowish liquid in it.

Deputies Rodriguez and Nolin began to complete a CHP 180 form as a requisite to tow Suspect Browning's vehicle. Deputy Rodriguez heard Deputy Schnereger tell Suspect Browning to put his hands behind his back so that he could be checked for weapons. A few seconds later, Deputy Schnereger said, with panic in his voice, "Hey man, chill out!" When Deputy Rodriguez looked, he saw Deputies Schnereger and Quiroz wrestling with Suspect Browning, whose arms were around Deputy Schnereger's waist. Deputies Rodriguez and Nolin rushed to Deputy Schnereger's aid.

Suspect Browning was bent down, with his hands near Deputy Schnereger's waist and his firearm, but Deputy Rodriguez could not see exactly what he was doing with his hands. Deputy Rodriguez tried to pull Suspect Browning off of Deputy Schnereger, but Suspect Browning used countervailing force to remain attached. Deputy Rodriguez heard Deputy Schnereger say, "He's going for my gun!" then, "He's got my gun!" Deputy Rodriguez heard Deputy Nolin say, "Hey, watch out." Deputy Rodriguez saw Deputy Nolin's arm extended toward Suspect Browning and told him, "Back up." Deputy Rodriguez took a step back. Deputy Rodriguez heard three gun shots.

Deputy Rodriguez considered several force options throughout the duration of fight in order to stop Suspect Browning. Deputy Rodriguez said an impact weapon or a chemical agent may have incapacitated Deputy Schnereger due to his close proximity to Suspect Browning.

Deputy Rodriguez estimate the time of the struggle lasted approximately fifteen to twenty seconds. **(TRANSCRIBED INTERVIEW, DEPUTY RODRIGUEZ PAGES 3-20).**

WITNESS DEPUTY OLEG POLISSKY

Homicide Bureau Interview

On December 20, 2015, Deputy Oleg Polissky was interviewed by Homicide Bureau Investigators Reynolds and Aguirre. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 66-67]**. The interview was audio recorded and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 11, 2018, at approximately 1232 hours, Deputy Oleg Polissky was interviewed by IAB Sergeants Bryan Smith and Jeff Hamil.

Deputy Oleg Polissky was working uniform patrol when he heard a radio broadcast of a possible DUI suspect whose car had collided with the Taco Bell restaurant. Deputy Polissky was the first deputy to arrive at the scene and saw Suspect Browning passed out in the driver's seat. Suspect Browning's vehicle was against the northwest exterior wall of the Taco Bell restaurant. Suspect Browning was unconscious and held a cup containing an unknown liquid. A strong smell of alcohol emanated from the vehicle.

Deputy Polissky stood outside Suspect Browning's driver's side door and waited for the arrival of one additional unit. Once an additional unit arrived, Deputy Polissky tapped Suspect Browning's shoulder and removed the cup from his hand. Deputy Polissky noticed a strong odor of alcohol emitted from Suspect Browning. Deputy Polissky asked Suspect Browning to exit his vehicle. Suspect Browning was cooperative and exited the vehicle. Deputy Polissky searched Suspect Browning for weapons and placed him in the backseat of his vehicle.

Deputy Schnereger arrived at the scene and agreed to take charge of the DUI investigation while Deputy Polissky investigated the traffic collision. Deputy Schnereger asked Deputy Polissky questions related to the DUI. Deputy Polissky did not recall if Deputy Schnereger asked about Suspect Browning's behavior. At the time, Suspect Browning was cooperative and his behavior was not an issue. Deputy Schnereger had Suspect Browning exit Deputy Polissky's patrol car and began to perform SFSTs. Deputy Polissky saw Deputy Schnereger had two other deputies with him at the time of the SFSTs. Deputy Polissky's attention was on the traffic collision investigation. Deputy Polissky told Deputy Schnereger he was going inside the Taco Bell restaurant to review the video surveillance and he entered the restaurant. Deputy Polissky reviewed the video surveillance with Taco Bell Manager, Witness [redacted] and one other employee (Witness [redacted] in the back office. While Deputy Polissky was inside Taco Bell, he heard emergent radio traffic which indicated a deputy involved shooting occurred at 47th Street East and Avenue R, Palmdale. At the time of the deputy involved shooting, Deputy Polissky was capturing the Taco Bell surveillance monitor on his video recorder and never heard gunshots.

Deputy Polissky ran outside and saw Suspect Browning, who was on the ground. Deputy Polissky said the deputies looked panicked like they were involved in an altercation. Deputy Polissky yelled out to the deputies, "What happened?" One of the deputies responded, "He went for my gun." Deputy Nolin was next to Suspect Browning's head and holding him at gunpoint.

Deputy Polissky used his handheld radio to transmit additional radio traffic and began life-saving measures on Suspect Browning. Deputy Polissky continued CPR until relieved by emergency medical personnel. **(TRANSCRIBED INTERVIEW, DEPUTY POLISSKY PAGES 2-9).**

SERGEANT GEORGE CREAMER

Homicide Bureau Interview

On December 20, 2015, Sergeant George Creamer was interviewed by Homicide Bureau Sergeant Martindale and Detective Q. Rodriguez. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, page 54]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 12, 2018, at approximately 1012 hours, Sergeant George Creamer was interviewed by IAB Sergeants Bryan Smith and Thomas Arellano.

Sergeant George Creamer was working uniform patrol as a Palmdale Station field sergeant with Sergeant Theodore Knott (Unit 260S). Sergeants Creamer and Knott heard a call for service of a DUI - traffic collision where the suspect was passed out inside the vehicle at 37910 47th Street East, Palmdale. Sergeants Creamer and Knott responded to familiarize Sergeant Creamer with the area. Upon their arrival at the location, Sergeant Creamer saw several deputies at the location and Suspect Browning was seated in the backseat of a patrol car. Sergeant Creamer said Suspect Browning did not display unusual behavior.

Sergeants Creamer and Knott spoke to the deputies at the location and asked them if they needed help. The deputies told Sergeants Creamer and Knott they were alright and they did not need them. Sergeant Creamer said everything appeared to be normal and there was no reason for them to stay.

Sergeants Creamer and Knott left the location and began to drive north toward Palmdale Boulevard. Sergeant Creamer estimated approximately two minutes after they left the location he heard emergency radio traffic for a deputy involved shooting at 47th Street East. Sergeant Creamer said the time it took to respond back to location was less than one minute.

When they arrived back at the location, Sergeant Creamer saw a patrol car with the back door open and Suspect Browning on the ground. Sergeant Creamer ensured life saving measures were performed on Suspect Browning. In addition, Sergeants Creamer and Knott identified the involved deputies, and proceeded to secure the crime scene and locate possible witnesses. **(TRANSCRIBED INTERVIEW, SERGEANT CREAMER PAGES 2-8).**

SERGEANT THEODORE KNOTT

Homicide Bureau Interview

On December 20, 2015, Sergeant Theodore Knott was interviewed by Homicide Bureau Sergeant Martindale and Detective Q. Rodriguez. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 53-54]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On September 17, 2018, at approximately 1118 hours, Sergeant Theodore Knott was interviewed by IAB Sergeant Jeff Hamil.

Sergeant Theodore Knott was working uniform patrol as a Palmdale Station field sergeant with Sergeant George Creamer (Unit 260S). Sergeants Knott and Creamer heard a call for service of a traffic collision at the Taco Bell (37910 47th Street East, Palmdale). Sergeant Knott decided to respond to the call with Sergeant Creamer. Upon their arrival at the location, Sergeant Knott saw a patrol car in the parking lot, north of the Taco Bell, near the drive through. Deputy Schnereger was standing next to a patrol car completing paperwork and Suspect Browning was seated in the backseat. Sergeant Knott saw two or three additional deputies standing by their patrol cars in the parking lot at the time.

Sergeant Knott drove his sergeant vehicle into the parking lot, near the patrol car with Suspect Browning in the backseat. Sergeants Knott and Creamer rolled down their windows and asked the deputies if they needed help. Sergeant Knott did not recall precisely what the deputies told them, but they informed him and Sergeant Creamer the situation was "Code 4" (radio code for no further assistance needed).

Sergeant Knott saw Suspect Browning seated in the patrol car. He observed Suspect Browning seated face forward in the backseat and calm. Seregant Knott said Suspect Browning gave no indications of a problem. With sufficient deputy personnel at the location, and Suspect Browning calm and secure in the backseat of the patrol car, Sergeants Knott and Creamer believed there was no need for a supervisor to be present.

Sergeants Knott and Creamer left the location. Sergeants Knott and Creamer drove west on Palmdale Boulevard. Sergeant Knott estimated approximately five minutes after they left the location he heard emergency radio traffic for a deputy involved

shooting. Sergeant Knott said the time it took to respond back to location was approximately two minutes.

When they arrived back at the location, Sergeant Knott saw Suspect Browning lying on the gound on his back near the rear of a patrol car. Suspect Browning's shirt was covering his face and he was handcuffed. Deputy Polissky was standing next to Suspect Browning. Deputy Polissky asked Sergeant Knott if he should start life-saving efforts. Sergeant Knott told Deputy Polissky to unhandcuff Suspect Browning and do CPR.

Sergeant Knott obtained a public safety statement from the involved deputies and transported Deputy Nolin to Palmdale Station. Sergeant Knott said the deputies were initially in the briefing room pending the arrival of additional supervisors to separate them. Sergeant Knott stayed with the deputies until they were each placed in separate rooms. Once the deputies were separate, Sergeant Knott sat with Deputy Nolin in a separate room. **(TRANSCRIBED INTERVIEWS, SERGEANT KNOTT PAGES 2-9).**

WITNESS [redacted]

Homicide Bureau Interview

On December 20, 2015, at 0731 hours, Witness [redacted] was interviewed by Homicide Bureau Investigators Reynolds and Aguirre. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, page 80].** The interview was audio recorded and placed as a permanent record within the IAB case file.

Witness [redacted] was the manager of the Taco Bell restaurant at the time of the incident. After closing the restaurant to the public at 0200 hours, Witness [redacted] and her co-worker Witness [redacted] were making final preparations to go home. At approximately 0213 hours, they noticed Suspect Browning's Ford Focus in the drive-through lane of the restaurant, near the menu and ordering microphone. No one was visible inside the car, which remained in place for approximately ten minutes. Witnesses [redacted] and [redacted] were concerned that the apparently unoccupied vehicle might be part of a ruse to lure them outside. The vehicle drove very slowly forward and Witness [redacted] heard it strike the wall of the restaurant, after which the driver's door opened. Witness [redacted] called 9-1-1 at approximately 0224 hours and told the operator that there was a drunk driver in the driveway of the restaurant.

Witness [redacted] watched the events preceding the incident from inside Taco Bell. Deputy Polissky arrived first, joined by additional deputies. The deputies approached Suspect Browning, who was unconscious behind the wheel of his car in the drive-through lane. Witness [redacted] watched the deputies as they escorted Suspect Browning out of his car. Witness [redacted] noted that Suspect Browning's demeanor seemed confused. Deputy Polissky entered Taco Bell seeking video footage. While Witness

[redacted] and Deputy Polissky reviewed the video footage in a back office, a broadcast involving 47th Street was transmitted from Deputy Polissky's radio that caused him to run outside. Witness [redacted] did not see the incident. By the time Witness [redacted] looked outside, one of the deputies was performing CPR on Suspect Browning.

WITNESS [redacted]

Homicide Bureau Interview

On December 20, 2015, at 0805 hours, Witness [redacted] was interviewed by Homicide Bureau Investigators Reynolds and Aguirre. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 81-82].** The interview was audio recorded and placed as a permanent record within the IAB case file.

Witness [redacted] was an employee of the Taco Bell restaurant at the time of the incident. After closing the restaurant to the public at 0200 hours., Witness [redacted] and his co-worker Witness [redacted] were making final preparations to go home. At approximately 0213 hours, they noticed Suspect Browning's Ford Focus in the drive-through lane of the restaurant, near the menu and ordering microphone. No one was visible inside the car, which remained in place for approximately ten minutes. Witnesses [redacted] and [redacted] were concerned that the apparently unoccupied vehicle might be part of a ruse to lure them outside. The vehicle drove very slowly forward and Witness [redacted] heard it strike the wall of the restaurant, after which the driver's door opened. Witness [redacted] saw Suspect Browning reach for the driver's side safety handle and then slump forward toward the steering wheel. Witness [redacted] called 9-1-1 at approximately 0224 hours and told the operator that there was a drunk driver in the driveway of the restaurant.

Witness [redacted] watched the events preceding the incident from inside Taco Bell. Deputy Polissky arrived first, joined by additional deputies. The deputies approached Suspect Browning, who was unconscious behind the wheel of his car in the drive-through lane. Witness [redacted] watched the deputies as they escorted Suspect Browning out of his car. Witness [redacted] observed deputies assist Suspect Browning in walking to the patrol car. Deputy Polissky entered Taco Bell to review video footage. While Witnesses [redacted] and Deputy Polissky reviewed the video footage in a back office, a broadcast involving 47th and R was transmitted from Deputy Polissky's radio that caused him to run outside. Witness [redacted] did not see the incident. By the time Witness [redacted] looked outside, Deputy Polissky was performing CPR on Suspect Browning.